

REMARKS

In the Office Action¹, the Examiner objected to claims 1, 2, 4-6, and 37-39; rejected claim 39 under 35 U.S.C. § 101 for being drawn to non-statutory subject matter; rejected claims 1-6, 13-18, 25-30, and 37-40 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,661,531 to Murphy et al. ("*Murphy*") in view of U.S. Patent Application Pub. No. 2004/0070672 to Iwami et al. ("*Iwami*"); and objected to claims 7-12, 19-24, and 32-36 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant has amended claims 1, 2, 4-6, and 37-39, canceled claims 7-12, 19-24, 31-36, and 40, and added claims 41-49. Claims 1-6, 13-18, 25, 30, 37-39, and 41-49 are pending.

Regarding the objection to claims 1, 2, 4-6, and 37-39, Applicant has amended claims 1, 2, 4-6, and 37-39 as suggested by the Examiner. Therefore, Applicant requests that the Examiner withdraw the objection.

Regarding the rejection of claim 39 under 35 U.S.C. §101, the Examiner states that claim 39 is "directed to non-statutory subject matter" (Office Action at page 3). Applicant respectfully disagrees.

However, to expedite prosecution, Applicant has amended claim 39 to recite an "image forming control program, tangibly embodied in a computer-readable storage

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

medium, for controlling . . .” Accordingly, claim 39 positively recites a specific data structure that is tangibly embedded in a computer-readable storage medium. Claim 39 thus falls squarely within the categories of patentable subject matter. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 39 under 35 U.S.C. §101.

In response to the Examiner’s indication of allowable subject matter in claims 7-12, 19-24, and 32-36 (Office Action at page 9), Applicant has canceled claims 7-12, 19-24, and 32-36, without prejudice or disclaimer of their subject matter, and amended independent claims 1 and 37-39 to include the subject matter of claim 7. Since the Examiner indicated that claims 7-12, 19-24, and 32-36 “would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims” (Office Action at page 9), Applicant submits this amendment renders claims 1-6, 13-18, 25, 30, 37-39 in condition for allowance.

Regarding new claims 41-49, these claims require a “page printer,” in which data of a whole page is to be prepared before starting printing of the page because it cannot pause its printing operation once the printing for the page has started. In contrast, the printers disclosed in *Murphy* and *Iwami* are not page printers. They are ink jet printers that can print a page intermittently, and thus can print an image of the page part by part, depending upon the data transfer of the page. Therefore, the printing operation in *Murphy* does not teach or suggest the claimed “page printer” as recited in claims 41-49.

Applicant submits that *Iwami* also does not teach or suggest at least the claimed “page printer.” Accordingly, *Murphy* and *Iwami* fail to establish a *prima facie* case of

obviousness with respect to claims 41-49, at least because the references fail to teach each and every element of the claims.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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